

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARIANA MOTA and HECTOR J. MOTA,

Plaintiffs,

v.

ARMELLINI EXPRESS LINES and DANIEL W.
HUE,

Defendants.

-----X
CIVIL ACTION NO.: 22-cv

NOTICE OF REMOVAL

TO: Omrani & Taub, P.C.
488 Madison Avenue, 20th Floor
New York, NY 10022

PLEASE TAKE NOTICE that on this date defendants DANIEL W. HUE and ARMELLINI EXPRESS LINES, INC., by their undersigned counsel, have filed this Notice of Removal pursuant to 28 USC §1446(a) in the office of the Clerk of the United States District Court for the Southern District of New York and show:

1. Plaintiffs MARIANA MOTA and HECTOR J. MOTA brought an action against the defendants in the Supreme Court of the State of New York, County of Bronx by filing a Verified Complaint on or about August 5, 2021. A true copy of the Verified Complaint is annexed hereto as Ex. A.

2. On September 24, 2021, defendants, through their undersigned counsel, filed a Verified Answer to the plaintiffs' Verified Complaint with the Clerk of the Supreme Court, Bronx County. Ex. B.

3. Upon information and belief, the Summons and Verified Complaint were received by defendant DANIEL W. HUE on or about September 18, 2021.

4. Upon information and belief, the Summons and Verified Complaint were not received by defendant ARMELLINI EXPRESS LINES, INC. to date.

5. There have been no other proceedings in this action.

6. Plaintiffs MARIANA MOTA and HECTOR J. MOTA purport to be citizens and residents of the State of New York, residing in the County of Bronx. *Please see* Summons and Verified Complaint annexed as Ex. A.

7. Defendant ARMELLINI EXPRESS LINES, INC. is a Florida corporation, with its principal offices in Palm City, Florida.

8. Defendant DANIEL W. HUE is a citizen and resident of the State of Florida, residing Coconut Beach, County of Broward.

9. In paragraphs 15, 17, 20 and 22 of the plaintiffs' Verified Complaint, plaintiffs MARIANA MOTA and HECTOR J. MOTA alleged that they were caused to be seriously injured, and sustained painful, permanent, and disabling personal injuries requiring medical care and treatment; and sustained serious injuries as defined by Section 5102(d) of the Insurance Law of the State of New York. *Please see Ex. A.*

10. On August 12, 2021, the defendants served upon the plaintiffs a demand for *ad damnum* (Ex. C).

11. On March 11, 2022, the plaintiffs responded to the defendants' demand for *ad damnum*, indicating damages sought to be recovered in the amount of \$2,000,000 (\$1,000,000 for each plaintiff) (Ex. D).

12. Based on the plaintiffs' *ad damnum* and allegations of personal injury and alleged damages as set forth in the plaintiffs' Verified Complaint, the matter in controversy is alleged to be in excess of \$75,000, together with costs and disbursements.

13. Jurisdiction over the subject matter of this action is conferred on this Court by 28 USC §1441(a).

14. Jurisdiction on this Court is proper pursuant to 28 USC §1332 and 28 USC §1441 in that the parties are of complete diversity, the amount in controversy exceeds \$75,000, exclusive of interest and costs, and no defendant is a citizen of the State of New York.

15. This Notice is filed with this Court within 30 days of defendants' receipt "through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based," as provided by 28 USC §1446(b).

PLEASE TAKE FURTHER NOTICE, that defendants, upon filing the Notice of Removal in the Office of the Clerk of the United States District Court for the Southern District of New York, have also filed a copy of the Notice with the Clerk of the Supreme Court of the State of New York, County of Bronx, at the courthouse located at 851 Grand Concourse, Bronx, NY 10451, to effect

removal of this action to the United States District Court pursuant to 28 USC §1446(d).

Dated: New York, New York
April 5, 2022

LAW OFFICES OF LORNE M. REITER, LLC
Attorneys for Defendants
DANIEL W. HUE and ARMELLINI EXPRESS LINES
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New York, New York 10005
(212) 222-0955

S/Lorne M. Reiter
By: _____
LORNE M. REITER